

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 2/7/24

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
-against-	:	20-CR-159 (VEC)
	:	
MARTIN REYES,	:	<u>ORDER</u>
	:	
Defendant.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on December 3, 2021, Martin Reyes (“Defendant”) was sentenced principally to a term of imprisonment of five years, *see* Judgment, Dkt. 45;

WHEREAS on December 19, 2023, Defendant filed a motion requesting that the Court consider a sentence reduction pursuant to Amendment 821 to the U.S. Sentencing Guidelines (“Amendment 821”), *see* Mot., Dkt. 52, which went into effect on November 1, 2023, and which applies retroactively; *see* U.S.S.G. §§ 1B1.10, 4A1.1(e), 4C1.1;

WHEREAS on February 6, 2024, the United States Probation Department reported that Defendant is not eligible for a sentence reduction because he did not receive an enhancement for committing the instant offense while under a criminal justice sentence — precluding him from the status points reduction — nor did he have zero criminal history points — precluding him from the zero-point offender reduction, *see* Probation Report, Dkt. 53;

WHEREAS the Defendant was sentenced to the mandatory minimum sentence on the count of conviction and, therefore, regardless of whether he was eligible for a reduction pursuant to Amendment 821, the Court could not reduce his sentence; and

WHEREAS the Court has considered the record in this case.

IT IS HEREBY ORDERED that Defendant is ineligible for a sentence reduction pursuant to Amendment 821 because he was sentenced to the mandatory minimum and neither the status points reduction nor the zero-point offender reduction applies to him. Defendant's motion is therefore DENIED.

IT IS FURTHER ORDERED that the Clerk of Court is respectfully directed to close the open motion at Dkt. 52, to mail a copy of this Order to Mr. Reyes, and to note the mailing on the docket.

SO ORDERED.

Dated: February 7, 2024
New York, NY



VALERIE CAPRONI
United States District Judge